



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/519,789

12/29/2004

Yves-Julien Lambert

01435.0200

3079

22852 7590 10/28/2008  
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER  
LLP  
901 NEW YORK AVENUE, NW  
WASHINGTON, DC 20001-4413

EXAMINER

SCOTT, ANGELA C

ART UNIT

PAPER NUMBER

1796

MAIL DATE

DELIVERY MODE

10/28/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/519,789	<b>Applicant(s)</b> LAMBERT, YVES-JULIEN	
	<b>Examiner</b> Angela C. Scott	<b>Art Unit</b> 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 3-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/04</u> .   | 6) <input type="checkbox"/> Other: _____                          |

Art Unit: 1796

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election without traverse of claims 3-9 in the reply filed on July 28, 2008 is acknowledged. Additionally, new claims 10-13 have been added. Claims 3-13 are pending.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 3-4, 6-8, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Jones, Jr. et al. (US 6,179,939).

Regarding claims 3-4, 7-8, and 10, Jones, Jr. et al. teaches a barrier composition (Abstract) comprising a thermoplastic polymer such as low or high density polyethylene or ethylene vinyl acetate (transparent polymer) (Col. 9, lines 25-50) containing a filler material such as talc or mica (interference pigment comprising a platelet shaped material) (Col. 10, lines 5-15), and that the barrier composition is stretched in a single direction from 2 to 7 times its original length (Col. 7, lines 53-65).

Regarding claim 6, Jones, Jr. et al. additionally teaches that the composition can be in the form of spunbond fibers or meltblown fibers which are filaments (Col. 11, lines 35-40; Col. 3, lines 10-40).

Claims 5 and 11-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Daponte et al. (WO 94/05727).

Daponte et al. teaches a composite material for screening radiation comprising a polymer, such as low density polyethylene or ethylene vinyl acetate (transparent polymer) (Page 5, lines 13-17), and an interference pigment (Abstract), such as mica or talc (Page 4, lines 11-18), where the composite has a thickness of about 10 microns (Example 4).

Art Unit: 1796

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jones, Jr. et al. (US 6,179,939) as applied to claim 3 above, and further in view of Daponte et al. (WO 94/05727).

Jones, Jr. et al. teaches the composition of claim 3. Jones, Jr. et al. does not teach that the composition has a thickness, after stretching, of less than 30 microns. However, Daponte et al. teaches the composition where final thickness obtained is about 10 microns (Example 4). Jones, Jr. et al. and Daponte et al. are analogous art because they are from the same field of endeavor, namely that of polymer barrier compositions containing a filler. At the time of the invention, a person of ordinary skill in the art would have found it obvious to have a thickness of about 10 microns, as taught by Daponte et al., for the composition, as taught by Jones, Jr. et al., and would have been motivated to do so because making the composition thin allows for it to be placed on other surfaces, such as glass (Example 4).

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Daponte et al. (WO 94/05727) as applied to claim 5 above, and further in view of Jones, Jr. et al. (US 6,179,939).

Daponte et al. teaches the composition of claim 5. Daponte et al. does not teach that the composition is in the form of a woven net of tapes or monofilaments. However, Jones, Jr. et al. teaches that the composition may be extruded into filaments (Col. 3, lines 10-40). Jones, Jr. et al. and Daponte et al. are analogous art because they are from the same field of endeavor, namely that of polymer barrier compositions containing a filler. At the time of the invention, a person of ordinary skill in the art would have found it obvious to extrude the composition, as taught by Daponte et al., into a filament, as taught by Jones, Jr. et al., and would have been motivated to do

Art Unit: 1796

so because extruding the composition into a filament allows for other commercial uses for the composition other than being applied as a film.

***Correspondence***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela C. Scott whose telephone number is (571) 270-3303. The examiner can normally be reached on Monday through Friday, 8:30am to 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Eashoo can be reached on (571) 272-1197. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark Eashoo, Ph.D./  
Supervisory Patent Examiner, Art Unit 1796

/A. C. S./  
Examiner, Art Unit 1796